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Attorneys for Plaintiff  
FRANCINE AUSTIN

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

FRANCINE AUSTIN,

Plaintiff,

v.

SAN FRANCISCO DEPARTMENT OF PUBLIC  
HEALTH,

Defendant.

Case No. 3:20-cv-07803-RS

(Judge Richard Seeborg)

**JOINT STIPULATION AND ORDER TO  
CONTINUE MOTION HEARING AND  
BRIEFING SCHEDULE**

Date: October 28, 2021

Time: 1:30 PM

Crtrm: 3 - 17th Floor San Francisco

Complaint Filed: November 4, 2020

Jury Selection/Trial: January 18, 2022

Pre-Trial Conf: January 5, 2022

Trial Date: January 18, 2022

**STIPULATION**

After meeting and conferring, Plaintiff Francine Austin ("Plaintiff") and Defendant City and County of San Francisco and its constituent department the San Francisco Department of Public Health, by and through their counsel of record, hereby jointly request this Court to approve a continuance of the currently scheduled October 28, 2021, Defendant's Motion for Summary Adjudication/Partial Summary Judgment ("Motion"), for fourteen (14) days from the scheduled date, or such other date the Court deems appropriate, and the related briefing schedule, on the following grounds:

1       **WHEREAS**, the Court issued a Scheduling Order dated September 23, 2021 (Dkt#35 and #36),  
2 setting the following pertinent dates and deadlines:

- 3           • Setting the Motion hearing date on October 28, 2021 at 1:30;
- 4           • Response date to the Motion on October 7, 2021;
- 5           • Reply date to the Motion on October 14, 2021;

6       **WHEREAS**, the Court issued an Order Setting Settlement Conference dated June 25, 2021  
7 (Dkt#29), setting a Settlement Conference in this matter for October 14, 2021 at 9:30 a.m.

8       **WHEREAS**, the parties jointly request a fourteen (14) day extension of time for the hearing on  
9 the Motion, Response date, and Reply date, in order to allow the parties to focus on resolving this matter  
10 at the October 14, 2021, Settlement Conference. The parties agree that a brief fourteen (14) day  
11 continuance of the Motion hearing date, Response date, and Reply date is appropriate.

12       **WHEREAS**, this stipulation does not alter any other date, or any event or deadline already fixed  
13 by Court order or rule.

14       **NOW THEREFORE, THE PARTIES STIPULATE**, subject to the Court's approval, to request  
15 that the Court continue the hearing on the Motion to November 11, 2021, Plaintiff's Response date to  
16 October 21, 2021, and Defendant's Reply date to October 28, 2021, or such other dates that the Court  
17 deems appropriate and that is convenient for all parties and counsel.

18       **IT IS SO STIPULATED** and respectfully submitted.

19       Facsimile and/or electronic signatures shall serve as the original for purposes of executing and  
20 filing this stipulation to continue the settlement conference date.

21 Dated: October 4, 2021

Respectfully Submitted,

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23 RATNER MOLINEAUX, LLP

24 /s/ *David S. Ratner*

25 \_\_\_\_\_  
26 David S. Ratner  
27 Shelley A. Molineaux  
28 RATNER MOLINEAUX, LLP

Attorneys for Plaintiff  
FRANCINE AUSTIN

Dated: October 4, 2021

Respectfully Submitted,

DENNIS J. HERRERA

City Attorney

KATHARINE HOBIN PORTER

Chief Labor Attorney

PETER ABRAHAM COWNAN

Deputy City Attorney

/s/ Peter A. Cownan

PETER ABRAHAM COWNAN

Attorneys for Defendant

CITY AND COUNTY OF SAN FRANCISCO

**ORDER**

The Court having reviewed the joint stipulation and finds good cause to continue the Hearing on Defendant's Motion for Summary Adjudication/Partial Summary Judgment, and related briefing schedule.

**IT IS SO ORDERED** that the briefing schedule and upcoming hearing of this action be continued to the following dates:

Plaintiff's Response date October 21, 2021;

Defendant's Reply date October 28, 2021;

Hearing on Motion November 18, 2021 at 1:30 pm.

Dated: October 5, 2021

  
UNITED STATES DISTRICT COURT JUDGE